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October 16, 2023

## **VIA ELECTRONIC FILING**

Hon. Patrick G. Radel  
U.S. Bankruptcy Court  
Alexander Pirnie U.S. Courthouse and Federal Building  
10 Broad Street  
Utica, NY 13501

Re: *The Roman Catholic Diocese of Ogdensburg, New York.; Case No. 23-60507; and  
The Roman Catholic Diocese of Ogdensburg, New York.; et al v. Certain  
Underwriters at Lloyd's, London; et al.; Adv. Pro. Case No. 23-80013 -  
Proposed Bar Date and Mediation Orders*

Dear Judge Radel:

As a follow-up to the hearings held on October 3, 2023, we have worked with counsel for the Official Committee of Unsecured Creditors (the “Committee”) and the insurance company defendants (the “Insurers”) to seek to settle the above-referenced orders. The Diocese and the Committee are in agreement concerning the Diocese’s proposed Mediation Order and the Diocese and the Committee differ on one issue concerning the Bar Date Order. The Committee objects to the language at ¶ 12(c)(i) of the Bar Date Order. In addition, we have been unable to fully resolve the form of the Bar Date and Mediation Orders with the Insurers.

Pursuant to the Court’s October 12, 2023 text order we have enclosed the following proposed orders:

1. Diocese’s form of proposed order to the Bar Date Motion *attached hereto as Exhibit 1*;
2. Committee’s form of proposed order to the Bar Date Motion *attached hereto as Exhibit 2*;

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3. Insurers' form of proposed order to the Bar Date Motion *attached hereto as Exhibit 3*;
4. Diocese's and Committee's form of proposed order to the Mediation Motion *attached hereto as Exhibit 4*;
5. Granite State Insurance Company's form of proposed order to the Mediation Motion *attached hereto as Exhibit 5*; and
6. Certain Underwriters at Lloyd's, London and Certain London Market Companies' form of proposed order to the Mediation Motion *attached hereto as Exhibit 6*.

The Diocese respectfully requests that the Court enter the forms of proposed orders submitted by the Diocese concerning the Bar Date and the Mediation Motions. As noted, the Committee is in agreement concerning the Diocese's Mediation Order. Unfortunately, neither the Diocese or the Committee can agree to the Insurers' requested changes.

The Diocese has reached an agreement with counsel for the Committee regarding the confidentiality agreement (the "Committee NDA") that would be submitted to the Court for approval. The form of the Committee NDA that the Diocese believes is acceptable to the Committee is *attached hereto as Exhibit 7*. We are awaiting the Committee's confirmation on final changes to the Committee NDA prior to submitting it to the Court for approval in the form of a protective order.

The Diocese circulated drafts of a proposed confidentiality agreement (the "Insurer NDA") to counsel for the Insurers on two occasions. The form of the Insurer NDA proposed by the Diocese is *attached hereto as Exhibit 8*. The Diocese received comments from only one Insurer, Granite State Insurance Company, and a copy of this version is *attached hereto as Exhibit 9*. The revised Insurer NDA received from Granite State Insurance Company included two substantive comments that are unacceptable to the Diocese.

We would be happy to answer any questions and are available for a conference if the Court deems it appropriate.

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Thank you for your courtesies and consideration.

Respectfully submitted,

BOND, SCHOENECK & KING, PLLC



Stephen A. Donato

SAD/ta  
Enclosures

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